

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ANN C. ESPINOZA,

Plaintiff,

v.

AJAI A. LOWE, UNITED STATES OF
AMERICA, UNITED STATES POSTAL
SERVICE,

Defendant.

No.

COMPLAINT

DEMAND FOR JURY TRIAL

Plaintiffs, ANN C. ESPINOZA, state the following by way of complaint against the defendant:

JURISDICTION

1. This court has jurisdiction under 28 U.S.C. § 1331. Federal question jurisdiction arises pursuant to 42 U.S.C. § 1983.

VENUE

2. Venue is proper pursuant Plaintiffs, ANN C. ESPINOZA, state the following by way of complaint against the defendant:

JURISDICTION

1 3. This court has jurisdiction under 28 U.S.C. § 1331. Federal question
2 jurisdiction arises pursuant to 42 U.S.C. § 1983.

3
4 **VENUE**

5 4. Venue is proper pursuant to 28 U.S.C. § 1391 because the defendant is a
6 federal government official, and the plaintiff lives in this district.

7
8 **THE PARTIES**

9
10 5. The Plaintiff, ANN C. ESPINOZA, reside at 307 S. 10th Avenue, Apt C in
11 the borough of Highland Park, County of Middlesex, State of New Jersey.

12
13 6. At all times material, Defendant AJAI A. LOWE, was a resident of New
14 Jersey with his last known address at 84 2nd Street, Apt 1, City of Elizabeth, County
15 of Union, and state of New Jersey.

16
17 7. The defendant, UNITED STATES OF AMERICA, through its designated
18 agency, the UNITED STATES POSTAL SERVICE, operates the Edison Post Office
19 (hereafter "the premises"), located at 21 Kilmer Road, in the Township of Edison,
20 County of Middlesex, State of New Jersey.

21
22 8. At that time and place, Defendant, AJAI A. LOWE, was the operator of a
23 certain motor vehicle owned by Defendant, UNITED STATES POSTAL SERVICE,
24 which motor vehicle was being operated as a permissive user of the owner and/or as
25 the agent, servant and/or employee of the owner of a motor vehicle which struck the
26 plaintiff while making a left turn.

27
28 **FIRST COUNT**

1
2 9. On or about December 10, 2016, Plaintiff, ANN C. ESPINOZA, was the
3 owner and operator of a motor vehicle, which was traveling eastbound along Kilmer
4 Road in the City of Plainfield, County of Union, New Jersey.

5
6 10. At said time and place, the Defendant, AJAI A. LOWE, was the permissive
7 driver of another automobile, that was owned by Defendant, UNITED STATES
8 POSTAL SERVICE.

9
10 11. At said time and place, the Defendant, AJAI A. LOWE, was acting on his
11 own behalf and as authorized agent of UNITED STATES POSTAL SERVICE.

12
13 12. At said time and place, the Defendant, AJAI A. LOWE, individually and as
14 authorized agent of Defendant, UNITED STATES POSTAL SERVICE, was operating
15 a vehicle in a westbound direction attempting to make a left turn onto Kilmer Road
16 from 21 Kilmer Road in the City of Plainfield, County of Union, New Jersey.

17
18 13. At this time and place, it became and was the duty of the Defendant, AJAI
19 A. LOWE, to exercise due care and caution in the operation of his motor vehicle
20 having due regard for the traffic and use of the roadway.

21
22 14. At this time and place, the Plaintiff, ANN C. ESPINOZA, was driving with
23 due care and caution, along and upon the roadway, as aforesaid.

24
25 15. At this time and place, the Defendant, AJAI A. LOWE, negligently drove his
26 automobile into the front passenger side of Plaintiff's vehicle and causing Plaintiff to
27 violently collide with Defendant
28

1 16. The Defendants, did so negligently and carelessly own, operate and/or
2 maintain the aforesaid motor vehicle so as to cause same to collide with the vehicle
3 of Plaintiff.

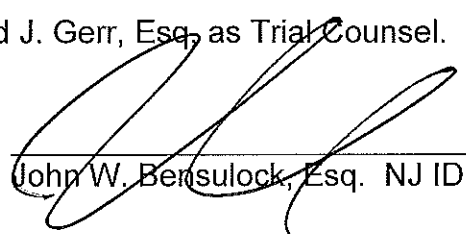
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5 17. As a direct and proximate result of the negligence of the defendants,
6 plaintiff, was caused to sustaining severe bodily injuries, was painfully and
7 permanently injured, incurred, and in the future will incur, medical expenses in an
8 effort to cure herself of her injuries, and was otherwise prevented from attending to
9 her regular pursuits, employment, duties and obligations.

10
11 18. In accordance with the requirements of the law, a Standard Form 95 Claim
12 For Damage, Injury, or Death, was filed on behalf of the plaintiffs in this matter in a
13 timely fashion, on May 26, 2017.

14
15 **WHEREFORE**, plaintiff, Ann C. Espinoza, demands judgment on this count
16 against the defendant, United States of America, for compensatory damages in the
17 sum of \$500,000 interest, and costs of suit.

18
19 **NOTICE OF DESIGNATION OF TRIAL COUNSEL**

20 Plaintiffs hereby designate Harold J. Gerr, Esq. as Trial Counsel.

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22 
23 John W. Bensulock, Esq. NJ ID 0587611994

24 HAROLD J. GERR
25 Counselor at Law
26 47 Raritan Avenue, 2nd Floor
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28 (732) 249-4600
 Attorneys for plaintiffs

 DATE: December 7, 2018